

**MINUTES OF THE
BOARD OF PHARMACY
CONFERENCE CALL MEETING
November 22, 2005**

ROLL CALL

Richard Zarek, R.P., Chair, called the conference call meeting of the Board of Pharmacy to order at 9:05 a.m. Copies of the agenda were sent to the Board members and other interested parties prior to the meeting. The following Board members answered the roll call:

Richard Zarek, R.P., Chairperson
C. Curtis Barr, R.P., Vice-Chairperson
Kevin Borchert, R.P., Secretary
Roger Kaczmarek, R.P.
Absent: Linda Labenz

A quorum was present and the meeting convened. Also present from the Department were Becky Wisell, Section Administrator; Vonda Apking, Credentialing Coordinator, Cecilia Curtis-Beard, Credentialing Specialist; Lisa Anderson, Assistant Attorney General, and Mike Grutsch from Investigations.

Also present was Kelly Boryca, Pfizer.

ADOPTION OF AGENDA

Barr moved, seconded by Kaczmarek, to approve the consent agenda as amended. Voting aye: Barr, Borchert, Kaczmarek, and Zarek. Voting nay: None. Absent: Labenz. Motion carried.

2006 LEGISLATION

Boryca stated that she was looking for the Board of Pharmacy support for the changes to the Wholesale Drug Distribution Act. The following changes were discussed and made:

Page 1: Sec 5 - Add the section 'Chain Pharmacy Warehouse' paragraph (difference regarding wholesale distributor).

Page 2: Sec 9 – Delete the words “Holders of pharmacy inspection certificates”;
Sec 9 –Add the words “hospitals and physician clinics”;
Sec 12 - Delete the word “legend”;
Sec 12 - Delete the parenthesis around the word “prescription”; and
Sec 12 - Add the word “and” after the semi-colon of (3).

Wisell questioned the option of our state accepting another state’s wholesaler inspection report. Also how costly it could be for the wholesalers. If a wholesaler chose not to use a company specified by the Board to inspect their facility as stated in the Act, the wholesaler would have to pay for an Inspector to fly out and complete an inspection. Barr agreed with Wisell. Boryca added that she was unsure as to how many wholesalers this would effect. Barr stated that maybe the wholesalers should have a choice to decide who would inspect their facility. Wisell explained she believed it should be one or the other but not both.

Page 3: Sec 17, (9) - Deleted the words “(RX only)”.

Page 5: Sec 21, (3) – Boryca stated that all professions stated in this paragraph would be governed by the criminal background checks.

Page 7: Sec 25(1) – Add “approved by the Board” after the word “program”;
Sec 25(2) – Add “approved by the Board” after the word “program”;
Sec 25(3) – Add “approved by the Board” after the word “program”; and
Sec 25 – Switch (3) and (4) around to change the order.

Page 8: Sec 26(4) (b) – Delete the word “needs” and replace with the words “medical reasons”;
Sec 26(5) (line 5) – Delete the word “pharmacist” and replace with the words “authorized pharmacy personnel”; and

Sec 27(2) – Delete the words “(RX Only)” from both places.

Barr moved, seconded by Borchert, to approve the language of the Wholesale Drug Distribution Act as amended for proposed legislation. Voting aye: Barr, Borchert, Kaczmarek, and Zarek. Voting nay: None. Absent: Labenz. Motion carried.

Ms. Boryca mentioned that she would make the corrections to the proposed legislation and forward them to Wisell for distribution to the Board members. Barr thanked Ms. Boryca for both the Board of Pharmacy and National Association of Boards of Pharmacy (NABP) for all her hard work in developing the new language for the Wholesale Drug Distribution Act.

APPLICATION REVIEW

The Board reviewed and discussed additional information on the reinstatement of Gary Crane. It was discussed that the Board’s decision to grant Mr. Crane a Nebraska Pharmacist License was contingent upon the probation of the Missouri Board of Pharmacy. Apking pointed out to the Board that Mr. Crane has not followed through with the Missouri Board of Pharmacy; therefore, he has not yet began his probationary period with the Board of Missouri.

The Board of Pharmacy stated based on the information provided the following changes regarding the reinstatement of Mr. Crane’s pharmacist license:

- Pass both the NAPLEX and MPJE exams.
- 5-year probation with the same probationary terms and conditions as agreement with the Missouri Board of Pharmacy.

Kaczmarek moved, seconded by Barr, to reinstate the pharmacist license of Gary Crane on probation for five years with the following probationary terms and conditions:

- Cannot supervise of pharmacy interns or pharmacy students;
- Cannot be the Pharmacist-in-Charge at any pharmacy;
- Abstain from alcohol;
- Abstain from personal use or possession of controlled substances and all other prescription drugs unless prescribed for or administered to the Defendant by an authorized licensed practitioner for a diagnosed medical condition;
- Verification from treating practitioner of all prescription medications;
- Report all prescription medications taken;
- Submit to random body fluid screens;
- Participate in an alcohol/drug abuse counseling and treatment program;
- Comply with treatment recommendations;
- Advise Department of any professional counseling and submit reports;
- Participate in a minimum of 2 NA, AA, or other support group meetings per week;
- Provide copies of all disciplinary proceedings to employer;
- Quarterly employer reports;
- Provide notice of disciplinary proceedings to other states where licensed;
- Provide written notice to Department of employment changes within 7 days;
- Provide written notice to Department of address or phone change within 7 days;
- Comply with all reports, notices or other documentation from the Department;
- Provide written authorization to Department for all treatment/counseling reports;
- Obey all state and federal laws, rules and regulations report violations to Department within seven days;
- Pay any costs associated with ensuring compliance;
- Appear at any meetings of the Board when requested; and
- Other standard probationary language.

Voting aye: Barr, Borchert, Kaczmarek, and Zarek. Voting nay: None. Absent: Labenz. Motion carried.

ADJOURNMENT

Barr moved, seconded by Borchert, to adjourn the meeting at 9:58 a.m. Voting aye: Barr, Borchert, Kaczmarek, and Zarek. Voting nay: None. Absent: Labenz. Motion carried.

Respectfully submitted,

(Signature on file with the Department)

Kevin Borchert, R.P., Secretary
Nebraska Board of Pharmacy

